

REMARKS

This amendment is responsive to the Office Action of March 31, 2008. Reconsideration and allowance of the claims 1-11 are requested.

The Office Action

Claims 1-11 stand rejected under 35 U.S.C §103(a) as being unpatentable over Helal (U.S. Patent No. 7,155,202) in view of undocumented Examiner allocations of prior art.

MPEP 2144.03

Pursuant to MPEP 2144.03 the applicant hereby challenges the Examiner's assertion that the portions of the claims not shown by Helal are well known and puts the Examiner to his proofs to cite exemplary prior art in the context of the present application.

The Present Amendment Should Be Entered

In the present amendment, claim 5 has been placed in independent form including all of the subject matter of its parent claim. Because placing a claim in independent form raises no issues that require further search or consideration, the present amendment should be entered.

The Drawing

No indication was made as to the acceptability of the drawing. An indication of the same is earnestly solicited.

The Present Claims

Claim 1 calls for the short range and the long range technologies to transmit to the same network. Helal fails to show both technologies transmitting to the same network. The short range system in Helal transmits from the PCD **200** to periphery devices (sensors etc.) but always uses the long range technology to transmit back to the network **305**. The long range communication is used to contact providers, order refills, and the like. In contrast, the present application uses the short range

technology whenever a receiver is in range, and when the wireless device strays to the fringes of the range of the short range technology, it switches to the long range technology; but it uses both technologies to transmit to the server **5**. The two wireless communication technologies are redundant, the short range being preferred when in range. The present application offers alternative pathways to the same destination, whereas Helal uses the two different communication technologies for two different purposes.

In the most recent office action, the Examiner did not address this argument. In its Amendment B, the Applicant traversed the rejection of claim 1. The Examiner has repeated the rejection, but has not addressed the substance of the Applicant's argument (as required by MPEP §707.07(f)). The Applicant is eager to move prosecution forward, but is unable to meaningfully address the Examiner's concerns regarding patentability of the claims when they have not been expressed. The Applicant respectfully requests that the Examiner address the foregoing argument, or in the alternative, indicate that **claim 1** and **claims 2-4** and **6-10** dependent therefrom are allowable in light of the foregoing argument.

Claim 5 calls for the terminal unit to measure physiological parameters of a patient. In Helal, the terminal units are used to monitor medications, inventories for automatic recording, to send emergency audio communications, and to send digital data from a computer. The Examiner fails to address physiological parameter monitoring and provides no explanation as to why re-engineering Helal to perform this new function would be obvious. The Examiner, having failed to make a prima facie case of obviousness, has presented nothing for the Applicant to rebut. It is clear that such a re-engineering is not obvious. Accordingly, Helal does not render **claim 5** unpatentable.

Claim 11, like claim 1 calls for the short range communication and the long range communication to communicate with the same receiving system. It is therefore respectfully requested that the Examiner address this difference and the Applicant's argument. The Examiner having failed to make a prima facie case of obviousness, it is submitted that **claim 11** is in condition for allowance.

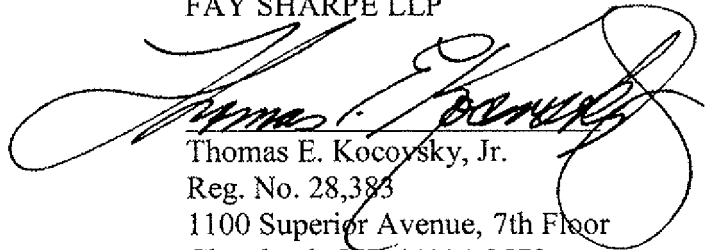
CONCLUSION

For the reasons set forth above, it is submitted that all claims distinguish patentably over the references of record and meet all statutory requirements. An early allowance of claims 1-11 is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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